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HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No. 6437 of 2007

PETITIONER : Sunny S/o James, aged about 65 years R/o Village Borari, Tehsil Durg, District Durg (CG).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through the Secretary, Department of Revenue, D.K.S. Bhawan, Mantralaya Raipur (CG).
2. The Collector, District Durg (CG).
3. Sub Divisional Officer, District Durg (CG).
4. Naib Tehsildar, District Durg (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Jitendra Gupta, Advocate for the petitioner.
Shri Vivek Sharma, Panel Lawyer for the respondents.

ORDER
(Passed on this 25th of October, 2007)

1. The petitioner challenges the legality and validity of the order dated 10.07.2007 passed by Board of Revenue in Revision Case No. R.N. 05/R/A-74/398/2007 (Sani Vs. State of Chhattisgarh), on the ground that the petitioner is entitled to compensation for loss of crops due to natural calamity.
2. The petitioner has pointed out a letter written to the Joint Collector to the Officer-in-Charge, Public Information Branch, District office, Durg, stating that under part 6-4 of the Revenue Book Circular, there is a provision for grant of compensation.
3. The Board of Revenue, by impugned order dated 10.07.2007 observed that there is no provision under part 6-4 of the Revenue Book Circular to grant compensation to the petitioner. Further, the Board of Revenue has no jurisdiction to consider the case falling under provisions of part 6-4 of the Revenue Book Circular. However, liberty was granted to the petitioner to make an application to the State Government for consideration of his prayer.

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4. Learned counsel further submits that the petitioner has already made an application dated 11.05.2007 (Annexure P/7). It appears that the petitioner has made an application dated 11.05.2007 i.e. prior to decision of the Board of Revenue, which stills remain undecided. The counsel submits that the Collector be directed to consider and decide the said application of the petitioner.

5. Be that as it may, without going into the merits of the case, it is expedient in the interest of justice that the Collector, Durg, be directed to consider the application of the petitioner and pass appropriate order, in accordance with law, as expeditiously as possible, preferably within a period of two months.

6. In view of the foregoing, nothing survives in the matter. Accordingly, the writ petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Sahu